

By: Shaheen

H.B. No. 3134

A BILL TO BE ENTITLED

AN ACT

relating to requiring social media platform operators to identify and notify law enforcement of credible threats of violence published on their platforms; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 120, Business & Commerce Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. EMERGENCY DISCLOSURE OF CREDIBLE THREATS OF VIOLENCE TO LAW ENFORCEMENT AGENCIES

Sec. 120.071. DEFINITION. In this subchapter, "credible threat of violence" means a threat against a person, including a group of people or organization, or location that causes a reasonable person to fear death or bodily injury.

Sec. 120.072. IDENTIFYING CREDIBLE THREATS OF VIOLENCE; DUTY TO NOTIFY LAW ENFORCEMENT. (a) A social media platform shall develop, operate, and maintain systems and procedures to identify or receive reports and notifications relating to a credible threat of violence that a user would be able to post, upload, transmit, share, or otherwise publish on the social media platform.

(b) A social media platform that identifies in good faith or is notified about a credible threat of violence under Subsection (a) shall:

- (1) notify the appropriate law enforcement authority;
- (2) archive, record, or otherwise preserve the

1 relevant content;

2 (3) remove the offending content from being publicly
3 accessible; and

4 (4) take any appropriate action against the user
5 account in accordance with the social media platform's published
6 acceptable use policy.

7 SECTION 2. Subchapter D, Chapter 120, Business & Commerce
8 Code, is amended by adding Section 120.152 to read as follows:

9 Sec. 120.152. CRIMINAL PENALTY FOR FAILING TO NOTIFY LAW
10 ENFORCEMENT OF CERTAIN CREDIBLE THREATS. (a) A social media
11 platform operator commits an offense if the social media platform
12 operator violates Section 120.072.

13 (b) An offense under this section is a Class A misdemeanor
14 except that the offense is a state jail felony if the conduct is
15 committed intentionally or knowingly.

16 SECTION 3. This Act takes effect September 1, 2023.